

**REMARKS**

After entry of the foregoing amendments, claims 1-3 and 5-20 are pending in the application. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Claims 1, 13 and 17 have been amended to insert the subject matter of original claim 4, and to change the end range to 2.5 in line with Application Serial No. 09/113,271, which was incorporated by reference with the original application and finds support in Application Serial No. 09/113,271, e.g., page 31 at line 25. The claims have been amended to place them in better condition for allowance or appeal. No new matter has been added.

With respect to the foregoing amendment to the specification, and to address the continuity issue, applicant has concurrently filed today a renewed petition for acceptance of an unintentionally delayed claim for the benefit of prior-filed application Serial No. 09/948,713. The Office of Petitions suggested the renewed petition because of its propriety. The amendment to the specification is in compliance with the Petition and corrects the cross reference to related applications – which actually matches applicant's original filing cover sheet of February 18, 2004 (a copy of which is attached).

Now that the priority and continuity has been properly corrected, and to address the Information Disclosure Statement issues, applicant hereby resubmits the corrected 1449 forms, as attached herewith. The correction to the priority claim will provide access to the references that were previously submitted in the parent cases to this application. Accordingly, no additional copies of the references are believed to be needed.

Before addressing the substantive rejections, applicant also notes that the previous claim amendments to the independent claims (stating "wherein a ratio of epoxy equivalents to hydroxyl

equivalents in the composition is in the range of from 1.5 to 3.8”) are supported by the current specification, for example, page 31, lines 13-15.

Claims 1-20 have been rejected under 35 U.S.C. § 102(b or optionally a) as allegedly anticipated by WO 00/03300 to Lawton et al (“WO ‘300”). In view of applicant’s corrected priority claim and claim amendments, this reference is not prior art. Applicant also notes that WO ‘300 is the PCT publication related to U.S. Application Serial Number 09113271 - from which priority is claimed and which was incorporated in its entirety by reference from the outset of this application. Thus, all of that text was in this case from the outset.

Claims 1-20 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by US 2002/0106584 to Lawton et al (“the ‘584 application”). In view of applicant’s corrected priority claim, this reference is not prior art.

Claims 1-3, 5-6, 8-11, 13-15 and 17-20 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent 5,476,748 to Steinmann (“Steinmann”) as allegedly evidenced by TONE 0301 Polyol (“Product Information”). In view of the incorporation of the claim 4 distinguishing subject matter into all of the independent claims in this application, applicant submits that this rejection is moot.

In view of the foregoing amendments, and the concurrently filed renewed petition to correct the priority claim, applicant submits that the application is in condition for allowance. A Notice to that effect is earnestly solicited.

If any issues remain unresolved, the Examiner is encouraged to contact the undersigned at 703-816-4009 in order to expeditiously resolve any remaining issues.

LAWTON et al  
Appl. No. 10/779,865  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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